

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q64544

Dominique HAMOIR

Appln. No.: 09/856,362

Group Art Unit: 2633

Confirmation No.: 6876

Examiner: Leslie PASCAL

Filed: May 22, 2001

For: AMPLIFICATION FOR VERY BROAD BAND OPTICAL FIBER TRANSMISSION
SYSTEMS

RESPONSE TO SECOND EXAMINER'S ANSWER

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Examiner's Answer was mailed February 8, 2007, and appellant filed a Reply Brief on April 9, 2007. A second Examiner's Answer was mailed April 20, 2007. There was no explanation as to why a second Examiner's Answer was mailed, and no acknowledgement of the Reply Brief filed April 9, but from a comparison of the two Examiner's Answers it appears that the only difference is that in Section (8) at pages 2-3, the examiner has now listed the prior art (Saleh and Chraplyvy) relied on in rejecting the claims, in addition to the prior art (Islam) cited for the first time in the Examiner's Answer.

Appellant believes that all of the arguments set forth in the Reply Brief filed April 9, 2007 remain applicable, and repeat those arguments and incorporate them by reference into this further response, including the arguments at page 4 as to the impropriety of the examiner's reliance on Islam in this appeal proceeding.

Appl. No. 09/856,362
Response to Second Examiner's Answer

Decision on this appeal is now respectfully requested.

Respectfully submitted,

/DJCushing/
David J. Cushing
Registration No. 28,703

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: June 20, 2007